

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-01420-RDM**

FLETE-GARCIA v. U.S. DEPARTMENT OF JUSTICE  
Assigned to: Judge Randolph D. Moss  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/13/2019  
Jury Demand: None  
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)  
Jurisdiction: U.S. Government Defendant

**Plaintiff****FULVIO FLETE-GARCIA**

represented by **FULVIO FLETE-GARCIA**  
R24190-038  
GILMER  
FEDERAL CORRECTIONAL  
INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 6000  
GLENVILLE, WV 26351  
PRO SE

V.

**Defendant****U.S. DEPARTMENT OF JUSTICE**

represented by **Benton Gregory Peterson**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/13/2019		<b>Initiating Pleading &amp; IFP Application Received on 05/13/2019.</b> A copy of the docket sheet has been mailed to the address of record for the pro se party. (zsb) (Entered: 05/21/2019)
05/13/2019	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE filed by FULVIO FLETE-GARCIA. (Attachment: # <u>1</u> Exhibit)(zsb) (Entered: 05/22/2019)
05/13/2019	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by FULVIO FLETE-GARCIA (zsb) (Entered: 05/22/2019)
05/13/2019	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by FULVIO FLETE-GARCIA (zsb) (Entered: 05/22/2019)
06/10/2019	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$50.83 from Prison Account of FULVIO FLETE-GARCIA and granting <u>2</u> MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Pro Se party has been notified by first class mail. Signed by Judge James E. Boasberg on 06/07/2019. (zeg) (Entered: 06/11/2019)
06/12/2019		ENTERED IN ERROR.....Case Reassigned to Judge Royce C. Lamberth. Unassigned is no longer assigned to the case. (zeg) Modified on 6/12/2019 (zeg). (Entered: 06/12/2019)
06/12/2019		NOTICE OF CORRECTED DOCKET ENTRY: re Case Assigned/Reassigned was entered in error. Case should be assigned to Judge Moss as related to

		18-cv-2442-RDM. (zeg) (Entered: 06/12/2019)
06/12/2019		Case Reassigned to Judge Randolph D. Moss. Judge Royce C. Lamberth is no longer assigned to the case. (zeg) (Entered: 06/12/2019)
06/12/2019	<u>5</u>	SUMMONS(3) Issued as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (zeg) (Entered: 06/12/2019)
07/09/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/1/2019. Answer due for ALL FEDERAL DEFENDANTS by 7/31/2019. (ztd) (Entered: 07/12/2019)
07/26/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/2/2019. ( Answer due for ALL FEDERAL DEFENDANTS by 8/1/2019.) RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/2/2019. (tth); Modified Date Filed on 8/1/2019 (tth). (Entered: 08/01/2019)
07/31/2019	<u>7</u>	ENTERED IN ERROR.....NOTICE of Appearance by Benton Gregory Peterson on behalf of All Defendants (Peterson, Benton) Modified on 8/1/2019 (znmw). (Entered: 07/31/2019)
07/31/2019	<u>8</u>	MOTION to Dismiss by U.S. DEPARTMENT OF JUSTICE (Peterson, Benton) (Entered: 07/31/2019)
08/01/2019		NOTICE OF ERROR re <u>7</u> Notice of Appearance; emailed to benton.peterson@usdoj.gov, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect document/case, 2. Please refile document, 3. ENTERED IN ERROR; Incorrect document attached; Please refile. (znmw, ) (Entered: 08/01/2019)
08/04/2019	<u>10</u>	FOX/NEAL ORDER: Plaintiff is hereby ORDERED to respond to Defendant's Motion to Dismiss, Dkt. <u>8</u> , on or before September 13, 2019. See document for details. Signed by Judge Randolph D. Moss on 8/4/2019. (lcrdm1, ) (Entered: 08/04/2019)
08/05/2019		Set/Reset Deadlines: Plaintiff's Response due by 9/13/2019. (kt) (Entered: 08/05/2019)
08/23/2019	<u>11</u>	MOTION for Order by FULVIO FLETE-GARCIA (ztd); ("Leave to file Granted" signed 8/23/19 by Judge Randolph D. Moss) (Entered: 08/26/2019)
08/27/2019	<u>12</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in this Court's Standing Order. See document for details. Signed by Judge Randolph D. Moss on 8/27/19. (lcrdm1, ) (Entered: 08/27/2019)
08/27/2019		MINUTE ORDER: Upon consideration of Plaintiff's motion to order Defendant to comply with the Federal Rules of Civil Procedure and Serve a Copy of Defendant's Motion to Dismiss on Plaintiff, Dkt. <u>11</u> , the motion is hereby GRANTED. A "written motion, except one that may be heard ex parte," "must be served on every party." Fed. R. Civ. P. 5(A)(1)(D). Pursuant to this Court's Standing Order, "[p]arties represented by counsel must serve documents upon pro se parties in paper form." Furthermore, the Local Rules require that "[a] separate certificate of service or other proof of service showing that a paper copy was served on a party is required when the party does not receive electronic notification of filings." LCrR 49(d)(2). Finally, "[w]hen a paper that is required to be served is served by other means" than the court's electronic-filing system, "if the paper is filed, a certificate of service must be filed with it or within a reasonable time after service." Fed. R. Civ. P. 5(d)(1)(B). Defendant's motion to dismiss, Dkt. <u>8</u> , does not include proof of service. The Court hereby ORDERS Defendant to serve the motion to dismiss upon Plaintiff in paper form and to file a certificate of service as required by the Federal Rules, Local Rules, and this Court's Standing Order, on or before August 30, 2019. In light of the above, the Court hereby extends Plaintiff's time to respond to Defendant's motion to dismiss until October 14, 2019. Signed by Judge Randolph D. Moss on 8/27/19. (lcrdm1, ) (Entered: 08/27/2019)
08/27/2019		Set/Reset Deadlines: Defendant to serve the motion to dismiss upon Plaintiff in paper form and to file a certificate of service by 8/30/2019. Plaintiff's time to respond to

		Defendant's motion to dismiss due 10/14/2019. (dot) (Entered: 08/27/2019)
08/29/2019	<u>13</u>	NOTICE of <i>Filing of Certificate of Service</i> by U.S. DEPARTMENT OF JUSTICE re <u>8</u> MOTION to Dismiss (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Certificate of Service)(Peterson, Benton) (Entered: 08/29/2019)
09/05/2019	<u>14</u>	MOTION to Amend/Correct <u>1</u> Complaint (Petition for Preliminary Injunction) by FULVIO FLETE-GARCIA (Attachments: # <u>1</u> Exhibit Petition for Preliminary Injunction)(ztd) (Entered: 09/09/2019)
09/05/2019	<u>15</u>	MOTION for Extension of Time by FULVIO FLETE-GARCIA (ztd) (Entered: 09/09/2019)
09/12/2019		MINUTE ORDER: Upon consideration of Plaintiff's Motion to Amend/Correct Complaint (Petition for Preliminary Injunction), Dkt. <u>14</u> , the Motion is hereby GRANTED. The corrected Petition for Preliminary Injunction is hereby DEEMED FILED. The Court hereby ORDERS Defendant to indicate on or before September 18, 2019 whether it intends to alter its Motion to Dismiss, Dkt. <u>8</u> , based on the Court's grant of Plaintiff's Motion to Amend/Correct. Signed by Judge Randolph D. Moss on 9/12/19. (lcrdm1, ) (Entered: 09/12/2019)
09/12/2019		Set/Reset Deadlines: Defendant's notice to the Court due by 9/18/2019. (kt) (Entered: 09/12/2019)
09/12/2019	<u>16</u>	AMENDED COMPLAINT against U.S. DEPARTMENT OF JUSTICE filed by FULVIO FLETE-GARCIA.(ztd) (Entered: 09/16/2019)
09/16/2019	<u>18</u>	MOTION to Take Judicial Notice by FULVIO FLETE-GARCIA (ztd) (Entered: 09/20/2019)
09/18/2019	<u>17</u>	NOTICE to the Court by U.S. DEPARTMENT OF JUSTICE re Order on Motion to Amend/Correct,, (Attachments: # <u>1</u> Certificate of Service)(Peterson, Benton) (Entered: 09/18/2019)
09/18/2019		MINUTE ORDER: Upon consideration of Plaintiff's Motion for Extension of Time, Dkt. <u>15</u> , the motion is hereby GRANTED. The Court hereby ORDERS Plaintiff to respond to Defendant's Motion to Dismiss on or before November 16, 2019. Signed by Judge Randolph D. Moss on 9/18/2019. (lcrdm1, ) (Entered: 09/18/2019)
09/19/2019		Set/Reset Deadlines: Plaintiff's Response due by 11/16/2019. (kt) (Entered: 09/19/2019)
09/22/2019		MINUTE ORDER: Upon consideration of Plaintiff's Motion to Take Judicial Notice, Dkt. <u>18</u> , it is hereby ORDERED that the Motion is DENIED as moot in light of the Court's prior order granting Plaintiff's Motion to Amend/Correct Complaint (Petition for Preliminary Injunction) to include the two omitted pages. See Minute Order (Sept. 12, 2019); Dkt. <u>16</u> (Am. Compl.). The entire 7-page Complaint (Petition for Preliminary Injunction) has been deemed filed. Signed by Judge Randolph D. Moss on 9/22/19. (lcrdm1, ) (Entered: 09/22/2019)
10/11/2019	<u>19</u>	MOTION for copy of preliminary injunction filed 5/13/19 re <u>1</u> Complaint by FULVIO FLETE-GARCIA (Attachments: # <u>1</u> Exhibit)(ztd) (Entered: 10/15/2019)
10/17/2019		MINUTE ORDER: In light of the recent filing of the Plaintiff's full 7-page amended complaint, Dkt. <u>16</u> , and Plaintiff's motion for a copy, Dkt. <u>19</u> , it is hereby ORDERED that the motion is GRANTED. The Clerk of Court is directed to mail Plaintiff a copy of the 7-page amended complaint, Dkt. <u>16</u> , at his address of record. Signed by Judge Randolph D. Moss on 10/17/19. (lcrdm1) (Entered: 10/17/2019)
10/21/2019	<u>20</u>	RESPONSE re <u>8</u> MOTION to Dismiss filed by FULVIO FLETE-GARCIA. (ztd) (Entered: 10/23/2019)
11/04/2019	<u>21</u>	MOTION to Take Judicial Notice by FULVIO FLETE-GARCIA (ztd) (Entered: 11/06/2019)